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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/163,246	09/29/1998	KEVIN E. KALAJAN	08993/006001	9774

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EXAMINER

BURGESS, BARBARA N

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 05/07/2003

13

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/163,246

Applicant(s)

KALAJAN, KEVIN E.

Examiner

Barbara N Burgess

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 37-99 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 37-99 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This is in response to applicant's amendment filed on February 12, 2003. Claims 1-36 have been cancelled and claims 37-99 are presented for examination.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 37, 53-54, 58, and 79 are rejected under 35 U.S.C. 102(e) as being anticipated by Krueger et al. (hereinafter "Krueger", 5,996,022).

As per claims 37, 44, 53-54, 58, 65, 79, 86, 74-75, 95-96, and, Krueger discloses a method implemented by a server, comprising:

- Receiving a request from a first client to browse contents of a first data server, wherein the first data server implements a first file system for managing file access and storage, and wherein the first client is unaware that the first data server implements the first file system (column 2, lines 62-63, column 3, lines 17-18, column 5, lines 64-65, column 6, lines 40-41, Abstract);

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- Selecting a first protocol interpreter from a plurality of different protocol interpreters, wherein the first protocol interpreter implements a first file access protocol which enables interaction with the first file system (column 2, lines 65-67, column 3, lines 16-19, 21-45, column 5, lines 12-14, column 8, lines 54-57, Abstract);
- Invoking the first protocol interpreter to interact with the first file system of the first data server to obtain therefrom a first list of contents, wherein the first list of contents sets forth a hierarchical file organization structure for files stored on a first data server, the first list of contents comprising one or more directories and zero or more files (column 2, lines 66-67, column 3, lines 16-19, column 5, lines 12-14, column 8, lines 54-57, Abstract);
- Sending at least a portion of the first list of contents to the first client (column 3, lines 3-4, column 8, lines 15-20, 50-53, column 9, lines 65-66, Abstract);
- Storing new file on the first data server (column 8, lines 25-35).

As per claims 38, 59, and 80, Krueger discloses wherein the first client executes a web browser and submits the request using the web browser (column 2, lines 62-63, column 3, lines 7-9, 14-20, column 5, lines 64-65, column 6, lines 40-41, Abstract).

As per claims 39, 60, and 81, Krueger discloses wherein the first client does not implement the first file access protocol such that the first client is incapable of interacting directly with the first file system (column 5, lines 15-16, 22-38, 36-38, 47-51, 59, column 6, lines 46-55, Abstract).

As per claims 45, 48, 66, 69, 87, and 90, Krueger further discloses:

- Receiving a request from the first client to access a particular file stored on the first data server (column 2, lines 62-63, column 3, lines 17-18, column 5, lines 64-65, column 6, lines 40-41, Abstract);
- Invoking the first protocol interpreter to interact with the first file system of the first data server to retrieve the particular file therefrom (column 2, lines 66-67, column 3, lines 16-19, column 5, lines 12-14, column 8, lines 54-57, Abstract);
- Determining a file type for the particular file (column 5, lines 15-16, 22-38, column 6, lines 46-55, Abstract);
- Generating a set of encoding information based upon the file type of the particular file, wherein the set of encoding information comprises information for causing the first client to execute a particular type of application to process the particular file (column 5, lines 35-67, column 6, lines 1-55);
- Sending the particular file and the set of encoding information to the first client (column 3, lines 3-4, column 8, lines 15-20, 50-53, column 9, lines 65-66, Abstract)
- Determining a file extension for the particular file (column 5, lines 15-16, 22-38, column 6, lines 46-55, Abstract);
- Processing the file extension to determine a file type for the particular file (column 5, lines 15-16, 22-38, column 6, lines 46-55, Abstract).

As per claims 51, 72, and 93, Krueger discloses:

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- Receiving a request from the first client to compress a particular file stored on the first data server (column 5, lines 30-67, column 6, column 7, lines 44-67, column 8, lines 63-67, column 9, lines 53-67, column 10, lines 1-9);
- Invoking the first protocol interpreter to interact with the first file system of the first data server to retrieve the particular file therefrom (column 5, lines 30-67, column 6, column 7, lines 44-67, column 8, lines 63-67, column 9, lines 53-67, column 10, lines 1-9);
- Compressing the particular file to derive a compressed version (column 5, lines 30-67, column 6, column 7, lines 44-67, column 8, lines 63-67, column 9, lines 53-67, column 10, lines 1-9);
- Invoking the first protocol interpreter to interact with the first file system of the first data server to cause the first file system to store the compressed version onto the first data server (column 5, lines 30-67, column 6, column 7, lines 44-67, column 8, lines 63-67, column 9, lines 53-67, column 10, lines 1-9).

As per claims 55-57, 76-78, and 97-99, Krueger discloses receiving a search request from the first client comprising a set of search criteria, processing the set of search criteria to derive one or more search commands, invoking the first protocol interpreter to interact with the first file system of the first data server to cause the first file system to implement one of the search commands, and receiving one or more sets of search results from the first file system (column 8, lines 25-53).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krueger et al. (hereinafter "Krueger", 5,996,022) in view of Stollfus et al. (hereinafter "Stollfus", 6,321,258 B1).

As per claim 40, 42, 61, 63, 82, and 84, Krueger does not explicitly disclose:

- Receiving a request from the first client to browse contents of a second data server, wherein the second data server implements a second file system different from the first file system for managing file access and storage, and wherein the first client is unaware that the second data server implements the second file system.

However, in an analogous art, Stollfus teaches a client accessing files on a second server (column 13, lines 12-67, column 14, lines 6-35).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate a client browsing the contents of a second data server in Krueger's method in order to obtain the third file requested by the user.

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As per claims 41, 43, 62, 64, 83, and 85, Krueger does not explicitly disclose wherein the first client does not implement the second file access protocol such that the first client is incapable of interacting directly with the second file system.

However in an analogous art, Stollfus discloses the use of a gateway to accomplish activation of administrator in an HTML file used to send the requested home page (column 8, lines 16-30).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate the first client does not implement the second file protocol in Krueger's method enabling the need of a gateway to transfer the web site's home page to the local client as requested by the client.

5. Claims 46-47, 49-50, 52, 67-68, 70-71, 73, 88-89, 91-92, and 94 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krueger et al. (hereinafter "Krueger", 5,996,022) in view of Busey et al. (hereinafter "Busey", 5,764,916).

As per claims 46-47, 49-50, 52, 67-68, 70-71, 73, 88-89, 91-92, and 94, Krueger does not explicitly disclose:

- Sending the particular file and the set of encoding information as an electronic mail file to the first client;
- The electronic mail file comprises Multipurpose Internet Mail Extension (MIME) information;

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- Determining a Multipurpose Internet Mail Extension (MIME) type for the file extension;
- The set of encoding information comprises the MIME type;
- Sending the particular file to a recipient without first downloading the first client.

However, the use and advantage for using MIME is well known to one skilled in the relevant art at the time the invention was made as evidenced by the teachings of Busey (column 3, lines 59-65).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate MIME of HTTP in Krueger's accessing data files method to enable transmission and reception of files with graphics, audio, and video contents or as email files.

Response to Arguments

6. Applicant's arguments with respect to claims 37-99 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 5,764,918 to Poulter

U.S. Pat. No. US 6,185,616 B1 to Namma et al.

U.S. Pat. No. 5,790,800 to Gauvin et al.

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U.S. Pat. No. US 6,356,934 B1 to Delph

U.S. Pat. No. 5,077,655 to Jinzaki


U.S. Pat. No. 5,805,803 to Birrell et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barbara N Burgess whose telephone number is (703) 305-3366. The examiner can normally be reached on M-F (8:00am-4:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Ettinene can be reached on (703) 308-7562. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7240 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Barbara N Burgess
Examiner
Art Unit 2157


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